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## Notice of Intended Regulatory Action (NOIRA) Agency Background Document

<b>Agency name</b>	Department of Health (State Board of)
<b>Virginia Administrative Code (VAC) citation</b>	12 VAC 5 - 507
<b>Regulation title</b>	Guidelines for General Assembly Nursing Scholarship and Loan Repayment Program Requiring Service in a Long-Term Care Facility in the Commonwealth of Virginia
<b>Action title</b>	Implement Regulations on Scholarships and Loans Requiring Long-Term Nursing Care Service.
<b>Date this document prepared</b>	December 28, 2009

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 36 (2006) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

### Purpose

*Please describe the subject matter and intent of the planned regulatory action. Also include a brief explanation of the need for and the goals of the new or amended regulation.*

HB 1368, passed by the General Assembly, amended the current scholarship program, i.e., the Mary Marshall Nursing Scholarship Program, to include a loan repayment component. In addition, it established a nursing scholarship and loan repayment program requiring recipients to engage in service in a long-term-care facility in the Commonwealth. Participants in either program will receive scholarship or educational loan repayment in exchange for service anywhere within the Commonwealth of Virginia. By providing these scholarship or loan repayment funds to eligible recipients, Virginia hopes to **reduce its nursing shortage**, especially in long-term-care facilities. Another program goal is to retain these nursing professionals in the Commonwealth by requiring at least a year of service and if funding allows, up to five years of service.

## Legal basis

*Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including Code of Virginia citation and General Assembly chapter number(s), if applicable, and (2) promulgating entity, i.e., agency, board, or person. Describe the legal authority and the extent to which the authority is mandatory or discretionary.*

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Legal authority to promulgate this regulation is in Sections 32.1-122.6:01, 54.1-3011.1, and 54.1-3011.2 of the *Code of Virginia* and is amended and reenacted as follows: 32.1-122.6:01, Board of Health to award certain scholarship and loan repayment funds. The Board of Health shall award nursing scholarships available from the Nursing Scholarship and Loan Repayment Fund established in Section 54.1-3011.2 pursuant to the procedures for the administration of the scholarships awarded through Section 23-35.9.

## Need

*Please detail the specific reasons why the agency has determined that the proposed regulatory action is essential to protect the health, safety, or welfare of citizens. In addition, delineate any potential issues that may need to be addressed as the regulation is developed.*

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Regulations to implement the program is essential to addressing the shortage of trained medical professionals in the Commonwealth. The primary advantage would be the increase of availability of adequate, quality medical care. Another advantage is that the hospitals and doctors will be better positioned to retain qualified nurses because of the obligation created by accepting these scholarship or loan repayment funds.

## Substance

*Please detail any changes that will be proposed. For new regulations, include a summary of the proposed regulatory action. Where provisions of an existing regulation are being amended, explain how the existing regulation will be changed.*

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The Mary Marshall Nursing Scholarship Program has been in existence since the 1970s. The regulations for this program have been revised to include a Loan Repayment Program for registered nurses and licensed practical nurses. The Loan Repayment portion of the program will repay educational loans for qualifying applicants in exchange for service in the nursing profession in the Commonwealth. In addition

to amending the current scholarship regulations, a new nursing scholarship and loan repayment program requiring service in a long-term-care facility within the Commonwealth of Virginia was established. This program is for registered nurses, licensed practical nurses, and certified nurse aides. Scholarships will be given to qualifying nurses in exchange for service in the nursing profession in a long-term-care facility in the Commonwealth. The loan repayment portion of the program will repay educational loans for qualifying applicants in exchange for service in the nursing profession in a long-term-care facility in the Commonwealth. Currently, there is no funding for this program because all funds appropriated by the General Assembly and fees collected by the Board of Nursing are used by the Mary Marshall Nursing Scholarship Program, 12-VAC 5-510.

**Alternatives**

*Please describe all viable alternatives to the proposed regulatory action that have been or will be considered to meet the essential purpose of the action. Also, please describe the process by which the agency has considered or will consider other alternatives for achieving the need in the most cost-effective manner.*

The Virginia Department of Health sees no viable alternative for achieving the purpose of the existing regulation.

**Public participation**

*Please indicate the agency is seeking comments on the intended regulatory action, to include ideas to assist the agency in the development of the proposal and the costs and benefits of the alternatives stated in this notice or other alternatives. Also, indicate whether a public hearing is to be held to receive comments on this notice.*

The agency is seeking comments on the intended regulatory action, including but not limited to 1) ideas to assist in the development of a proposal, 2) the costs and benefits of the alternatives stated in this background document or other alternatives and 3) potential impacts of the regulation. The agency is also seeking information on impacts on small businesses as defined in § 2.2-4007.1 of the Code of Virginia. Information may include 1) projected reporting, recordkeeping and other administrative costs, 2) probable effect of the regulation on affected small businesses, and 3) description of less intrusive or costly alternative methods of achieving the purpose of the regulation.

A public hearing is not planned to be held.

### Participatory approach

*Please indicate, to the extent known, if advisers (e.g., ad hoc advisory committees, technical advisory committees) will be involved in the development of the proposed regulation. Indicate that 1) the agency is not using the participatory approach in the development of the proposal because the agency has authorized proceeding without using the participatory approach; 2) the agency is using the participatory approach in the development of the proposal; or 3) the agency is inviting comment on whether to use the participatory approach to assist the agency in the development of a proposal.*

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The agency will consult its public participation guidelines and will use a general, participatory approach in developing the regulations. The agency is hereby inviting and will accommodate public comment to a degree consistent with the development of a reasonable set of regulations.

### Family impact

*Assess the potential impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.*

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This regulation would have a positive, although perhaps indirect, impact on the institution of the family and family stability. Helping nursing students with their educational expenses will save disposable family income for some, and increase certain persons' potential earnings for the future.